

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**R.M., an infant by his parents and
guardians ad litem, LIVIO MAGNOTTA
and DAWN MAGNOTTA,**

Plaintiffs,

v.

**SIX FLAGS GREAT ADVENTURE,
LLC, *et al.*,**

Defendants.

CIVIL ACTION

NO.:

**PETITION OF DEFENDANT, SIX FLAGS GREAT
ADVENTURE, LLC, FOR NOTICE OF REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY:

AND NOW comes Defendant, Six Flags Great Adventure, LLC (hereinafter
“Petitioner”)¹, for the purpose of removing this Civil Action to the United States District Court
for the District of New Jersey, and in support thereof avers as follows:

1. On October 23, 2020, plaintiffs commenced this action in the Superior Court of
New Jersey, Law Division, Ocean County, at Docket Number OCN-L-2496-20 (hereinafter “the
State Court Action”). Petitioner was served with original process on December 7, 2020. *See* true
and correct copy of Complaint and proof of service, attached as Exhibit “A”.

¹/ Defendant Six Flags Entertainment Corporation (hereinafter “SFEC”) has been dismissed
from this action by Stipulation. *See* true and correct copy of filed Stipulation, attached hereto as
Exhibit “C”. However, even if SFEC remained a defendant herein, it would not impact this
Petition because SFEC is a Delaware corporation with its principal place of business in Tarrant
County, Texas.

2. Plaintiffs are citizens and residents of the State of New Jersey according to their Complaint. *See* Exhibit “A”.

3. Petitioner is a limited liability company, *see* true and correct copy of Jason Freeman Affidavit, attached as Exhibit “B”, and, as such, has the citizenship of its Members, *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 419-20 (3d Cir. 2010).

4. At the time of the commencement of the State Court Action and at the time of removal, Petitioner had and has a single Member - Six Flags Theme Parks, Inc., a Delaware Corporation which has its principal place of business in Grand Prairie, Texas and, as such, is a citizen of the States of Delaware and Texas. *See* Exhibit “B”.

5. Because this matter involves a controversy between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this matter is removable under 28 U.S.C. § 1332.

6. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days after service of the Complaint upon Petitioner, Six Flags Great Adventure, LLC, which was on December 7, 2020.

7. No further proceedings as to Petitioner have taken place with regard to this action in the State Court Action.

8. The above-described action is a Civil Action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and is one which may be removed to this Court by the Petitioner, pursuant to the provisions of 28 U.S.C. §1441.

9. This suit involves a controversy between citizens of different states: the plaintiffs are residents and citizens of the State of New Jersey. Petitioner is not a resident or citizen of the State of New Jersey.

10. The amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs as this case allegedly involves severe and permanent physical injuries to the minor-plaintiff, alleged to continue and still require medical care two (2) years after his alleged accident. Further, the plaintiff-parents assert claims for loss of services, comfort, companionship, and society of their son. *See* Exhibit “A”.

11. Petitioner has, simultaneously with the filing of this Notice, given written notice to counsel for all parties involved in this action.

12. Petitioner has filed a copy of the instant Notice of Removal with all attachments thereto with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County.

WHEREFORE, Six Flags Great Adventure, LLC, respectfully requests that this suit be removed to this Honorable Court pursuant to the laws of the United States.

Respectfully submitted,

By: //cs// *HMEichenbaum*
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